

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#18  
AKD  
12/20/02

In re Application of :

Beth A. BURNSIDE et al.

Group Art Unit: 1617

Serial No.: 09/807,462

Examiner: Alysia Berman

Filed: April 11, 2001

For: ORAL PULSED DOSE DRUG DELIVERY SYSTEM

**REQUEST FOR EXCUSE OF ERROR IN  
SMALL ENTITY STATUS PAYMENTS UNDER 35 C.F.R. 1.28(c)**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Previously, payments have been made in this application under a small entity status. The latter status was established in good faith and fees as a small entity were paid in good faith. However, this small entity status has been incorrect throughout the life of this application.

It is respectfully requested that this error be excused in view of the following compliance with the requirements of paragraphs (c)(1) and (c)(2) of the captioned section.

- (1) This paper is limited to the deficiency payments for the above-identified application.
- (2) The deficiencies owed for each previous fee erroneously paid in the small entity are calculated as follows:

fee Pd on 10/24/02

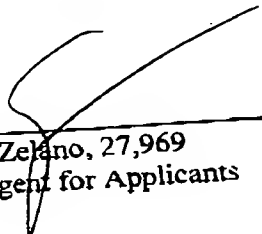
Date	Fee Type Paid	Half Fee Amount Paid	Current Full Amount	Difference Paid Herewith
April 11, 2001	PCT 492(a)(1)	\$ 345.00	\$710.00	\$ 365.00
April 11, 2001	Extra independent claim	\$ 40.00 (1 claim)	\$ 84.00	\$ 44.00
July 19, 2001	One month extension	\$ 55.00	\$ 110.00	\$ 55.00
July 19, 2001	Missing Parts	\$ 65.00	\$ 130.00	\$ 65.00
October 29, 2001	Terminal Disclaimer	\$ 55.00	\$ 110.00	\$ 55.00
October 29, 2001	Extra claims total (8 claims)	\$ 72.00	\$ 144.00	\$ 72.00
October 29, 2001	Extra independent claim (2 paid)*	\$ 84.00	\$ 168.00	\$ 84.00
<b>TOTAL</b>				<b>\$ 740.00</b>

The amount of \$740.00 is enclosed in the attached check.

On October 29, 2001, there were two extra independent claims. However, one extra had previously been paid for on April 11, 2001. Nevertheless, Applicant apparently paid for two extra on October 29, 2001, when it was only necessary to pay for the one additional extra claim. The large entity full fee is being paid herewith for both extra independent claims in order to correct the error made on October 29, 2001, as caused by Applicant. If the PTO has already reimbursed Applicant for the extra amount paid on October 29, 2001, then an additional refund may be due to Applicant of \$42.00. If a refund has not already been made, then a refund appears due to Applicant of \$84.00. All future fees paid in this application will be large entity and will be calculated based on only two extra independent claims having been previously paid for.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
Anthony J. Zelano, 27,969  
Attorney/Agent for Applicants

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& BRANIGAN, P.C.  
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Attorney Docket No.: PHARMA-142 P1

Date: October 24, 2002

CML K11501 PL

SERIAL NO. 09/807.462DOCKET NO. PHARMA-142 P1FILED: April 11, 2001APPLICANT(S) Beth A. BURNSIDE et al.THE PATENT AND TRADEMARK OFFICE STAMP HEREON ACKNOWLEDGES  
RECEIPT OF THE FOLLOWING PAPERS:  
☐ FILED BY CERTIFICATE OF MAILING ON:☒ FEES \$ 1714.00 Check No. 26145☐ MISSING PARTS RESPONSE W/DECL.☐ AMENDMENT☒ RESPONSE ☐ ELECTION☐ NOTICE OF APPEAL☐ APPEAL BRIEF (TRIPPLICATE)☐ ASSIGNMENT☐ EXTENSION OF TIME MO(S)☐ PRIORITY DOCUMENT(S)☐ VERIFIED STATEMENT(S) UNDER 37 C.F.R. 1.9 & 1.27☐ CONTINUATION PROSECUTION APPLICATION (CPA)☐ STATEMENT OF USE☐ ISSUE FEE☐ DECLARATION UNDER☒ INFORMATION DISCLOSURE☒ PTO 1449 W/26 REFS.☐        SHEETS OF DRAWINGS☐ COPY OF MISSING PARTS☐ RENEWAL APPLICATION☐ LETTER TO DRAFTSMAN☐ STATUS INQUIRY☐ APPLICATION DATA SHEETOTHER REQUEST FOR EXCUSE OF ERROR IN SMALL ENTITY STATUS PAYMENT UNDER  
35 C.F.R. 1.28(c)

Initials: AJZ:jr

Dkt'd 10/24/02-LP  
Date Filed: October 24, 2002

F A C S I M I L E	
Date: December 13, 2002	From: Anthony J. Zelano MILLEN, WHITE, ZELANO & BRANIGAN, P.C. Arlington Courthouse Plaza I 2200 Clarendon Blvd., Suite 1400 Arlington, VA 22201 (U.S.A.) (Fax: 703-243-6410)
To: Examiner Berman U.S. Patent and Trademark Office Group Art Unit: 1617	Writer's Direct Dial. (703) 243-6333 Writer's Internet Address: zelano@mwzb.com
Facsimile No.: (703) 308-7922	
Telephone No.	
Re: U.S. Appl. No.: 09/807,462 Inventor: Beth A. BURNSIDE et al. Attorney Docket No.: PHARMA-142 P1	
Total No. of Pages: <sup>25</sup> 25; if you do not receive all pages, please call (703) 243-6333	

Dear Examiner Berman:

Thank you for checking. The copies we discussed are enclosed.

Anthony J. Zelano

AJZ

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PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 974.00)

## Complete (if known)

Application Number 09/807,462  
 Filing Date April 11, 2001  
 First Named Inventor Brian A. BURNSIDE et al.  
 Examiner Name Alyssa Berman  
 Group / Art Unit 1617  
 Attorney Docket No. Pharma-142 P1

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 13-3402

Deposit Account Name Milten, White, Zelano & Branigan, P.C.

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

## 2. EXTRA CLAIM FEES

Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	Reissue independent claims over original patent	
110	18	210	9	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$) 684

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,320	147	2,520	For filing a request for reexamination	
112	820	112	820	Requesting publication of SIR prior to Examiner action	
113	1,840	113	1,840	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	110.00
116	400	216	200	Extension for reply within second month	
117	820	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,860	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,310	138	1,310	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	180.00
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fees (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 235.00

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Registration No. Attorney/Agent	Telephone
Anthony J. Zelano	27,969	(703) 812-5333
Signature	Date	October 24, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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